

# Island County Adult Drug Court Coupeville, Washington Process Evaluation Report

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# Island County Adult Drug Court

## Coupeville, Washington

### Process Evaluation Report

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## BACKGROUND

**D**rug courts are designed to guide offenders identified as drug-addicted into treatment that will reduce drug dependence and improve the quality of life for the offenders and their families. Benefits to society include substantial reductions in crime, resulting in reduced costs to taxpayers and increased public safety.

In the typical drug court program, participants are closely supervised by a judge who is supported by a team of agency representatives operating outside of their traditional roles. The team typically includes a drug court coordinator, case managers, substance abuse treatment providers, prosecuting attorneys, defense attorneys, law enforcement officers, and parole and probation officers who work together to provide needed services to drug court participants. Prosecuting and defense attorneys modify their traditional adversarial roles to support the treatment and supervision needs of program participants. Drug court programs blend the resources, expertise and interests of a variety of jurisdictions and agencies.

Drug courts have been shown to be effective in reducing criminal recidivism (GAO, 2005), improving the psycho-social functioning of offenders (Kralstein, 2010), and reducing taxpayer costs due to positive outcomes for drug court participants (including fewer re-arrests, less time in jail and less time in prison) (Carey & Finigan, 2004; Carey, Finigan, Waller, Lucas, & Crumpton, 2005). Some drug courts have been shown to cost less to operate than processing offenders through business-as-usual in the court system (Carey & Finigan, 2004; Carey et al., 2005).

### Process Evaluation Description and Purpose

The purpose of this process report is to establish whether a program has the basic components needed to implement an effective drug court. The assessment process examined the extent to which the program is implementing the 10 Key Components of drug courts (NADCP, 1997) and the best practices that research indicates are related to positive outcomes. Activities include a site visit to the drug court, administration of an electronic assessment, and interviews in person and/or by telephone with the program coordinator and other drug court team members.

A synthesis of the information collected through these activities provides NPC with a general understanding of the drug court's organization and current processes, assists the consultants in determining the direction and content of further questions and technical assistance needs and supports, and informs possible future evaluations of the program.

## Island County Adult Drug Court Assessment and Technical Assistance Activities

NPC staff conducted the following activities with the Island County Adult Drug Court (referred to as ICADC in the remainder of the report):

1. Assessment completed by the program coordinator in collaboration with the drug court team
2. A site visit by NPC staff to:
  - a. Observe a pre-chambers meeting and a drug court session
  - b. Determine the drug court team's understanding of the 10 Key Components
  - c. Share the current status of the research in these areas
  - d. Learn more about the drug court's program policies and procedures and how they are implementing these as they relate to the 10 Key Components and best practices
  - e. Review and discuss data elements and program operations, and address any questions that arise
  - f. Facilitate a discussion of enhancement recommendations at a conference call that includes drug court team members and court administration.
3. This report, which summarizes program characteristics and practices, analyzes the degree to which this program is following guidelines based on the 10 Key Components, and provides recommendations for program improvement and enhancement.

### ELECTRONIC PROGRAM ASSESSMENT

An electronic assessment was used to gather program process information from the drug court coordinator, in conjunction with members of the drug court team. This assessment, which provides a consistent method for collecting structure and process information from drug courts, was developed based on three main sources: NPC's extensive experience with drug courts, the American University Drug Court Survey, and a published paper by Longshore et al. (2001), which lays out a conceptual framework for drug courts. The assessment covers a number of areas, particularly areas related to the 10 Key Components—including eligibility guidelines, specific drug court program processes (e.g., phases, treatment providers, urinalyses, fee structure, rewards/sanctions), graduation, aftercare, termination, and identification of drug court team members and their roles. The use of an electronic assessment allows NPC to begin building an understanding of the program, as well as to collect information to support a thorough review of the site.

### General Summary of Findings and Recommendations

The Island County Adult Drug Court was implemented in March 2006. This program takes only pre-plea participants and takes a minimum of 18 months to complete. The general program population consists of repeat offenders and individuals diagnosed as substance abusers or substance dependent. It has a capacity to serve 25 participants at one time. As of February 2011, there were 11 active participants, 18 participants had graduated, and 21 participants had been discharged unsuccessfully (terminated).



Overall, the ICADC has implemented its drug court program within the guidelines of the 10 Key Components. The ICADC team includes representatives from a range of collaborating agencies and has a central agency providing and coordinating treatment. The judge has frequent contact with program participants and the drug court team is knowledgeable, works well together, and is committed to doing what is best for participants. Finally, the ICADC provides a breadth of diverse and specialized services to program participants. Among its many positive attributes, the program should be specifically commended for the following practices:

#### Commendations

- The ICADC team includes representatives from a range of collaborating agencies, which research shows contributes to lower recidivism and higher cost savings, (Carey, Mackin, & Finigan, in process).
- The ICADC uses regular email communication. Drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email.
- A law enforcement representative is on the team. Research has shown that drug courts that include law enforcement as an active team member have higher graduation rates, lower recidivism and higher cost savings (Carey, Waller, & Weller, 2010; Carey et al., in process). Law enforcement representatives can learn to recognize participants on the street and can provide an extra level of positive supervision.
- The ICADC prosecuting attorney and defense attorney are succeeding in taking a non-adversarial team approach while participating in the team meetings and drug court proceedings. This is one of the key components of the drug court model and allows the team and the program in general to operate more efficiently and effectively.
- The ICADC accepts a variety of charges into the program. The best practices research has demonstrated that programs that accept a variety of charges have similar or better outcomes than programs that focus on a narrow range of drug charges (Carey et al., in process).
- The ICADC is one of the few remaining pre-trial/pre-plea drug court programs in the U.S. The original intention behind the drug court model was to divert offenders pre-plea into intense supervision and treatment services. This model allows participants who successfully complete the program to continue their lives without having the conviction on their record. This allows these offenders a better opportunity to obtain employment and become contributing members of society. In addition, the pre-plea model has been shown to cost less than post-conviction models as pre-plea models tend to avoid the costs associated with adjudicating the case (Carey et al., 2010).
- Treatment is coordinated through a single organization. Research shows that having one to two treatment providing agencies is significantly related to better program outcomes including higher graduation rates, lower recidivism, and lower costs (Carey et al., in process). The ICADC should be commended for following best practices in this area, by having an umbrella organization that coordinates an array of treatment services.
- The ICADC shows a good balance of sanctions and rewards, and treatment responses occur as soon as possible following the behavior that prompts the response. The program is commended for implementing a coordinated strategy to govern court responses to partic-

ipants' compliance. In addition, the judge does very well explaining the reasons for sanctions and rewards in court.

- The ICADC has a back-up judge (the juvenile drug court judge) with drug court experience when the ICADC judge is unavailable. The ICADC judge is also assigned to drug court indefinitely, which is a benefit as judge experience and longevity are correlated with more positive participant outcomes and greater cost savings (Carey, Pukstas, & Finigan, 2008).
- The ICADC judge uses the courtroom appropriately as a theater so that other participants are able to learn through observing the experiences of their peers (e.g., seeing a participant rewarded for good behavior or being sent to sanctioned for non-compliance).
- Previous research (Carey et al., 2005) has indicated that greater representation of team members (especially the prosecuting attorney and defense attorney) at team meetings and court sessions is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up. The ICADC is to be commended for having the entire team present at pre-court meetings and court hearings.
- The ICADC is to be commended for beginning the evaluation process with this 10 Key Component process evaluation. Research shows that programs that engaged in evaluation activities and monitor their statistics regularly and then used that feedback to make adjustment in program practices had significantly lower recidivism (Carey et al., in process).
- The ICADC has begun the process of using an online data system. This particular system (DCMIS) is excellent and will allow them to communicate more effectively with each other as a team, perform more informed case management and easily provide data for evaluation.

Although this program is functioning well in many areas, NPC's review of program operations resulted in some recommendations for program improvements. It is recognized that it will not always be feasible to implement all of these recommendations due to budgetary, policy or infrastructure limitations. It is important for the team to be as flexible as possible and do what they can to work around the barriers that are not changeable, in order to accomplish the ultimate goal of doing what is best for the participants.

The recommendations in this report are based on research in many drug courts and on practical experience working with individual courts and collaborating with people who do this work. The following commendations and recommendations represent areas where the program is doing well and also the primary areas of suggested program improvement that arose during the interviews and site visit. Based on what we have learned about the ICADC program and on our experience working with over 100 other drug courts, the key successes and issues to be addressed by this program are summarized below. Background information, more detailed explanations, and additional recommendations are presented within each of the 10 Key Components in the main report.

### Recommendations

- **Provide formal role specific training for all team members.** The drug court model requires specialized training for all staff members to understand their new roles. All team members would benefit from formal role-specific training to ensure that they understand their roles as part of a drug court team and how those roles may be different from their typical roles outside of drug court. Drug courts in which all team members received for-

mal training had graduation rates that were 21% higher and double the cost savings compared to drug courts where all team members were not trained (Carey et al., 2010).

- **Obtain training for all team members on the drug court model, incentives and sanctions, collaboration and drug court roles.** Several of the current drug court team members have not attended specialized drug court trainings, or it has been many years since their last attendance at a workshop. The drug court model requires specialized training for all staff members to understand their new roles, and the behavioral science underlying effective treatment of addiction. Team member training has been demonstrated to produce significantly lower recidivism and greater program completion rates, and to save criminal justice system resources that can then be used to support the processing of greater numbers of offenders (Carey et al., 2008; Carey et al., in process). Several members of the ICADC team will be attending the 2011 national NADCP conference.
- **Identify standardized and objective screening tools to ensure that the program is targeting the appropriate population for the ICADC.** The type of screening tool for intake will vary depending on what resources the program has available to treat different types of participants as well as the specific legal criteria for eligibility. Research has shown that screening participants for “suitability” based on staff perception of whether an offender will do well in the program and excluding “unsuitable” participants has no effect on program outcomes including graduation and recidivism rates (Carey et al., 2008; Carey & Perkins, 2008; Carey et al., 2010).
- **Identify ways to boost program enrollment.** The ICADC’s current number of active participants, 13 (as of the April 2011 site visit), is less than its stated capacity of 25. The team should work together to talk through the eligibility criteria and intake process to determine what barriers might be preventing eligible participants from entering the program (e.g., potential participants are not being identified for referral, overly stringent eligibility criteria, some referring agency staff are not aware of the program, etc.), and address those barriers in order to boost program enrollment. A team member, perhaps the coordinator, could be charged with contacting all possible sources of drug court referrals, explaining the program and how its participants benefit from being in the program, thus encouraging referrals from previous and new sources. At the time of this writing, the coordinator is planning on meeting with private defense attorneys to remind them of the benefits of the program. The team should re-examine its eligibility criteria, particularly those that are informal, to determine whether there are any areas where less stringent criteria are possible and, therefore, may increase participation.
- **Work to decrease the length of time from arrest to program entry.** The length of time between arrest and drug court entry is longer than indicated by current best practices (less than 20 days). The ICADC as a team and perhaps in small groups should conduct a review and analysis of the case flow from referral to drug court entry to identify bottlenecks or structural barriers, and points in the process where more efficient procedures may be implemented. For example, the review process (referral and screening) may be streamlined to eliminate some of the steps involved or to collaborate better with law enforcement and attorneys. This analysis should focus on decision points along the way that result in extending the time frame. Strategies can then be tested that help reduce barriers to quicker flow from arrest to program participation, for example, the prosecutor might be able to flag cases earlier in the process for the public defender to review. The program

staff should also identify areas where there are constraints they cannot control based on timelines from other agencies. This will help the program become aware of where they can focus their efforts to build relationships with agencies to facilitate changes in their referral process. During a post-site visit conference call, the ICADC team agreed to continuing working on this issue and to explore some of the possibilities mentioned.

- **Evaluate program eligibility decision-making process.** It is the ICADC's current practice that the coordinator interviews and gathers information on participants that have already been identified by the public defender and prosecutor as potential candidates. The coordinator then sends that information to the prosecutor, who makes the ultimate eligibility decision. In most drug courts across the nation, the prosecutor flags potential based on legal eligibility and sends them to the public defender (who informs the offender about the program). After legal eligibility has been determined by the DA and an assessment has been conducted, the entire team (usually at a team meeting) looks over the information and makes a group decision about whether or not an offender should enter the program. This fosters cooperation and collaboration among the team members and ensures that all perspectives are considered in determining whether the program is appropriate for specific offenders.
- **Work to ensure a smooth transition between treatment providers.** The county will be taking over as the treatment provider on July 1, 2011. In order to make the transition as smooth as possible on participants, the county will be using the same building and possibly some of the same treatment counselors as Phoenix Recovery. The ICADC is encouraged to frequently revisit and update the transition plan to ensure there are no gaps in service for participants. The coordinator and county substance abuse coordinator are meeting weekly to work out the transition plan. It is recommended that the results of these meetings continue to be shared with other team members to ensure that everyone is up to date.
- **Continue to work toward observing all drug tests.** Fully observed UAs are important for the integrity of drug testing. There are trainings available (such as those provided by NDCI) specifically on this process including procedures such as requiring participants to squat before providing a sample so that the observer can listen for the sound of certain types of equipment used to contain false samples, etc. We recommend that the ICADC look into this kind of training to ensure that UAs are appropriately observed.
- **Review the program's color code system and its policy on drug testing timing and frequency.** National drug court researcher Doug Marlowe (Marlowe, 2008) suggests that the frequency of drug testing be the last thing that is ratcheted down as participants progress through the phases. As treatment sessions and court appearances are decreased, checking for drug use becomes increasingly important to determine if the participant is doing well with more independence and less supervision. The ICADC should examine their current timing of the decrease in the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. In addition, the team may want to take a little time to review the color code system to ensure that is functioning as intended in that participants are truly uncertain of when testing may occur and that participants cannot easily work drug use around the timing of the tests.
- **Create written guidelines on the use of sanctions and rewards and give a printed copy to each team member for use in pre-hearing meetings.** Drug courts that have writ-

ten guidelines for sanctions and rewards and that provide these guidelines to the team have double the graduation rate and three times the cost savings compared to drug courts that do not have written guidelines (Carey et al., 2008; Carey et al., 2010). These guidelines should be considered a starting point for team discussion of rewards and sanctions during pre-hearing meetings and not hard and fast rules. The guidelines assist the team in maintaining consistency across participants so that, when appropriate, similar behaviors results in similar sanctions. The guidelines also serve as a reminder of the various reward and sanction options available to the team so that the team does not fall into habits of using the same type of sanctions (e.g., jail) so frequently that they become ineffective.

- **Decrease the required frequency of participant court appearances.** As research has shown that court appearances less frequent than once per week (e.g., court appearances once every 2 weeks or once per month) can have better outcomes (except in high-risk/high-need individuals) (Marlowe et al., 2006; Carey et al., 2008), the ICADC should reduce the frequency of drug court appearances every 2 weeks for participants that are not high risk in the first phase. This may also help reduce program costs and help increase program capacity.
- **Continue to build relationships with organizations in the community.** The program is encouraged to build relationships with faith communities, medical and dental providers, and local businesses wherever possible. The program should maintain a list of common participant need areas and conduct outreach to new community partners to find ways to creatively meet those needs, especially in terms of jobs, housing, health care, transportation, and education. The advisory board would be a good place to make this outreach. Connections with local businesses will also help with obtaining additional incentives and rewards for participants who are doing well in the program.
- **Institute an advisory board.** Related to the previous recommendation on building further relationships with organizations in the community, the program should consider developing a drug court advisory board that would meet twice per year to discuss sustainability, community connections, and participant needs. It is recommended that the ICADC invite representatives from community agencies that work regularly with drug court participants to the advisory board, as well as representatives of the business community, faith community, non-profits, and other interested groups. The inclusion of community members in this group could result in expanded understanding of—and community support for—the program, and may result in additional services, facilities and further sustainable funding for the program.
- **Institute an aftercare component.** Aftercare is a clinical best practice, supporting individuals in their transition to a drug-free lifestyle. The program should consider encouraging or requiring a routine aftercare phase or component after graduation, to better support participants in their transition to the community and off of supervision and enhance their ability to maintain the behavioral changes they have accomplished during participation in the ICADC.
- **Encourage the formation of an alumni group.** The program should encourage participants to start an alumni group to help support their peers after the program as well as to support current participants in completing the program. Some courts have used alumni support groups as a cost-effective tool in aftercare planning. The ICADC team has al-

ready begun work on planning an alumni group and it is part of the new county treatment provider's plan.

- **Review policy manual.** Because all team members were not clear on all eligibility requirements as well as other program policies, and also with the advent of a new treatment agency, NPC recommends that a review of the policy manual be an agenda item for a future team or policy board meeting.
- **Require all participants to attend graduation ceremonies and invite influential community members.** Currently, graduations occur at the end of regular court sessions and only the participants on the docket that day attend. Attendance at drug court graduation ceremonies should be required of all current drug court participants. This would help to create and strengthen a supportive environment among individual participants and serve to motivate current participants to progress to the graduation phase. In addition, the team should invite community members, staff from other agencies (particularly agency heads), as well as Superior Court staff, to drug court graduations.

Overall the ICADC has implemented a program that already follows many guidelines of the 10 Key Components of drug courts. It is clear that the drug court team members care about this program and are dedicated to doing what they feel is best for the participants. This dedication should help resolve any issues and ensure that the program will continue to enhance their services and practices over time. The team should set aside time to discuss the overall findings and recommendations in this report, both to enjoy the recognition of its accomplishments and to determine how to respond to the recommendations provided. Appendix A contains a document providing some suggestions for how to organize the recommendations and make plans to implement any changes.

The following section of the report presents each of the 10 Key Components with the ICADC practices and recommendations in more detail as well as additional recommendations within each component.

## ISLAND COUNTY ADULT DRUG COURT

### 10 Key Components of Drug Courts Detailed Results

The Island County Adult Drug Court was implemented in March 2006. This program takes only pre-plea participants and takes a minimum of 18 months to complete. The general program population consists of repeat offenders and individuals diagnosed as substance abusers or substance dependent. The primary drugs of choice of ICADC participants are methamphetamine (60%), heroin (25%), alcohol (10%), and marijuana (5%).

#### **KEY COMPONENT #1: DRUG COURTS INTEGRATE ALCOHOL AND OTHER DRUG TREATMENT SERVICES WITH JUSTICE SYSTEM CASE PROCESSING.**

*Assessment Question: Has an integrated drug court team emerged?*

The focus of this key component is on the integration of treatment services with traditional court case processing. Practices that illustrate an adherence to treatment integration include the role of the treatment provider in the drug court system and the extent of collaboration of all the agencies involved in the program.

In the original monograph on the 10 key components (NADCP, 1997), drug court is described as a collaboration between ALL members of a team made up of treatment, the judge, the prosecutor, the defense attorney, the coordinator, case managers, and other community partners. Each team member sees the participant from a different perspective. Participation from all partners contributes to the strength of this model and is one of the reasons it is successful at engaging participants and changing behavior. It is important to keep team members engaged in the process by ensuring they have input on drug court policies and feel their role and contribution is valued.

#### National Research

Previous research (Carey, Finigan, Waller, Lucas, & Crumpton, 2005; Carey et al., 2008; Carey et al., 2010) has indicated that greater representation of team members from collaborating agencies (e.g., defense attorney, treatment, prosecuting attorney) at team meetings and court hearings is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up. Greater law enforcement involvement increases graduation rates and reduces outcome costs (Carey et al., 2008).

Research has also demonstrated that drug courts with fewer treatment agencies (one or two is ideal) resulted in more positive participant outcomes, including higher graduation rates and lower recidivism costs (Carey et al., 2005; Carey et al., 2008; Carey et al., in process).

#### Island County Process

- The drug court team is composed of the drug court coordinator, judge, treatment provider, prosecuting attorney, defense attorney, sheriff, jail transition coordinator (employed by the County Department of Human Services), case manager (employed by Probation), and substance abuse coordinator (employed by Human Services).
- The drug court coordinator, judge, treatment provider, prosecuting attorney, defense attorney, and case manager attend drug court pre-court meetings every Thursday where

they review participant progress. The substance abuse treatment coordinator, jail transition coordinator, and sheriff attend these meetings when their schedules allow.

- The drug court coordinator, judge, treatment provider, prosecuting attorney, defense attorney, case manager, and two court clerks attend drug court sessions every Thursday morning. The sheriff attends drug court sessions when his schedule allows (the sheriff's budget was severely cut and he can't afford to send a deputy, so the elected sheriff appears when he can).
- The drug court team has a policy board that meets monthly. Meetings are separate from regular drug court team meetings and program-level policies or practices are discussed. Agencies and team members represented on policy board include the treatment provider, probation, drug court coordinator, prosecuting attorney, defense attorney, judge, and sheriff.
- One treatment provider agency (Phoenix Recovery) currently works with drug court participants though county will be taking over the ICADC treatment in July 2011.
- The treatment provider communicates with the court verbally at pre-court meetings and through written progress reports. Information from the treatment provider is given to the court in a timely way. Communication between team members was reported to be good.
- The ICADC has a policy manual for team members. All team members have a copy of the manual. However, it was observed during the pre-hearing meeting that the team wasn't sure of all eligibility requirements (e.g., if residency in the county was a requirement for participation). In addition, the policy on narcotic prescription medication had to be reviewed.
- There is a participant handbook for participants.

#### Suggestions/Recommendations

- **Commendation.** The ICADC team includes representatives from a range of collaborating agencies and has one central agency providing/coordinating treatment, both of which contribute to more positive outcomes for participants, according to research.
- **Commendation on regular email communication.** Drug courts that shared information among team members through email had 65% lower recidivism than drug courts that did not use email.
- **Commendation on having a law enforcement representative on the team.** Research has shown that drug courts that include law enforcement as an active team member have higher graduation rates, lower recidivism and higher cost savings (Carey et al., 2010). Law enforcement representatives can learn to recognize participants on the street and can provide an extra level of positive supervision. When the sheriff's budget allows, it is recommended that a regular deputy be assigned since there are substantial taxpayer savings associated with law enforcement attending pre-court hearings and drug court sessions.
- **Provide formal role specific training for all team members.** The drug court model is a team approach. All partners have expertise that contributes to the strength of this model. It is one of the reasons it is successful at engaging participants and changing behavior. It is important to keep team members engaged in the process through ensuring that they feel their roles and contributions are valued and not infringed upon. All team members would benefit from formal role-specific training to ensure that they understand their roles as part



of a drug court team and how those roles may be different from their typical roles outside of drug court. The National Drug Court Institute (NDCI) has role-specific training opportunities available. For more information go to <http://www.ndci.org>. Drug courts in which all team members received formal training had graduation rates that were 21% higher and double the cost savings compared to drug courts where all team members were not trained (Carey et al., 2010).

- **Review policy manual.** Because all team members were not clear on all eligibility requirements as well as other program policies, and because there will be a new treatment agency coming on board, NPC recommends that a review of the policy manual be an agenda item for a future team or policy board meeting.

## **KEY COMPONENT #2: USING A NON-ADVERSARIAL APPROACH, PROSECUTION AND DEFENSE COUNSEL PROMOTE PUBLIC SAFETY WHILE PROTECTING PARTICIPANTS' DUE PROCESS RIGHTS.**

*Assessment Question: Are the Defense Attorney and Prosecuting Attorney satisfied that the mission of each has not been compromised by drug court?*

This key component is concerned with the balance of three important issues. The first issue is the nature of the relationship between the prosecution and defense counsel in drug court. Unlike traditional case processing, drug court case processing favors a non-adversarial approach. The second issue is to ensure the drug court remains responsible for promoting public safety. The third issue is to ensure the protection of participants' due process rights.

### National Research

Research by Carey et al. (2008) and Carey et al. (2010) found that participation by the prosecution and defense attorneys in team meetings and at drug court status review hearings had a positive effect on graduation rates and recidivism<sup>1</sup> costs.

### Island County Process

- Prosecution and defense counsel are included as part of the drug court team and attend pre-court meetings and drug court sessions regularly.
- The prosecuting and defense attorneys identify and refer potential participants to the program.
- The prosecuting attorney and defense attorney positions do not rotate.

### Suggestions/Recommendations

- **Commendation.** The ICADC prosecuting attorney and defense attorney are succeeding in taking a non-adversarial team approach while participating in the team meetings and drug court proceedings. There are no recommendations in this area at this time

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<sup>1</sup> Recidivism costs are the expenses related to the measures of participant outcomes, such as re-arrests, jail time, probation, etc. Successful programs result in lower recidivism costs, due to reductions in new arrests and incarcerations, because they create less work for courts, law enforcement, and other agencies than individuals who have more new offenses.

### **KEY COMPONENT #3: ELIGIBLE PARTICIPANTS ARE IDENTIFIED EARLY AND PROMPTLY PLACED IN THE DRUG COURT PROGRAM.**

*Assessment Questions: Are the eligibility requirements being implemented successfully? Are potential participants being placed in the program quickly? Is the original target population being served?*

The focus of this component is on the development and effectiveness of the eligibility criteria and referral process. Different drug courts have different eligibility and exclusion criteria. Some drug courts include criteria unrelated to the defendant's criminal history or addiction severity, such as requiring that participants admit to a drug problem or meet other "suitability" requirements. Research reveals that the most effective drug courts have clearly defined eligibility criteria. It is advisable to have these criteria written and provided to all potential referral sources. Drug courts also differ in how they determine if a client meets entry criteria. While drug courts are always targeting clients with a substance use problem, the drug court may or may not use a substance abuse screening instrument to determine eligibility. The same may apply to mental health screens. A screening process that includes more than just an examination of legal eligibility may take more time, but also results in more accurate identification of individuals who are appropriate for the services provided by the drug court.

Related to the eligibility process is how long it takes a drug court participant to move through the system from arrest to referral to drug court entry. The goal is to implement an expedient process. The length of time that passes between arrest to referral and referral to drug court entry, the key staff involved in the referral process, and whether there is a central agency responsible for treatment intake, are all factors that impact the expediency of program entry.

#### National Research

Carey et al. (2008) found that courts that accepted pre-plea offenders and included misdemeanors as well as felonies had both lower investment and outcome costs. Courts that accepted non-drug-related charges also had lower outcome costs, although their investment costs were higher. In addition, allowing participants into the drug court program only post-plea was associated with lower graduation rates and higher investment<sup>2</sup> costs while drug courts that mixed pre-trial and post-trial offenders had similar outcomes as drug courts that keep those populations separate (Carey et al., in process).

Those courts that expected 20 days or less from arrest to drug court entry had higher savings than those courts that had a longer time period between arrest and entry (Carey et al., 2008).

Other research found that drug courts that included a screen for suitability and excluded participants who were found unsuitable had the same outcomes (e.g., the same graduation rates) as drug courts that did not screen for suitability and did not exclude individuals based on suitability (Carey & Perkins, 2008).

#### Island County Process

- The program takes only pre-plea participants. The specific target population consists of nonviolent repeat offenders and individuals diagnosed as substance abusers or substance dependent.

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<sup>2</sup> Investment costs are the resources that each agency and the program overall spend to run the drug court, including program and affiliated agency staff time, costs to pay for drug testing, etc.

- Offenders with the following misdemeanor and felony charges are considered for participation in the program: drug possession, drug trafficking (if they are selling to maintain their habit), property offenses, prostitution, and forgery.
- Potential participants may be identified and referred by the prosecuting attorney, defense attorney, probation, child welfare case workers, and law enforcement.
- The ICADC program eligibility requirements are written. All referring team agencies have copies of the eligibility criteria.
- The ICADC does not use standardized assessments to determine whether an offender is eligible for the program, nor does it assess participants for risk (of not successfully completing treatment or probation).
- Participants are screened for co-occurring mental disorders, as well as suicidal ideation. Those found to have co-occurring disorders are required to have mental health treatment as part of their drug court treatment.
- Participants must be amenable to alcohol and drug treatment to be eligible for the program.
- Offenders with serious mental health issues and those who do not admit to having a drug problem are excluded from the program. Offenders with current violence charges and/or prior violence convictions are also excluded from the program.
- The ICADC assesses offenders to determine whether they are drug dependent or drug abusers. Both types of offenders are accepted into the program.
- Offenders are assessed for suitability (such as attitude and readiness-for-treatment) before allowing them to participate. The program has sometimes refused program entry to those who were considered unsuitable. However, the prosecuting attorney has the final say in whether or not a participant will enter the program.
- The ICADC performs a full substance abuse treatment assessment on offenders to determine level of care.
- The estimated time between participant arrest and referral to the drug court program is between 31 and 60 days. The estimated time between drug court referral and program entry is between 31 and 60 days, for a total estimated time from arrest to drug court entry of 2 months up to 120 days.
- The ICADC has a window or “back-out” period when participants can try the program but decide not to participate.
- The drug court’s capacity is reported to be 25 participants. As of April 2011, the program had 13 active participants.

#### Suggestions/Recommendations

- **Commendation: The ICADC accepts a variety of charges into the program.** The best practices research has demonstrated that programs that accept a variety of charges have similar or better outcomes than programs that focus on a narrow range of drug charges (Carey et al., in process).

- **Commendation: The ICADC is one of the few remaining pre-trial/pre-plea drug court programs in the U.S.** The original intention behind the drug court model was to divert offenders pre-plea into intense supervision and treatment services. This model allows participants who successfully complete the program to continue their lives without having the conviction on their record. This allows these offenders a better opportunity to obtain employment and become contributing members of society. The ICADC should continue to demonstrate this as a viable model for drug courts.
- **Identify objective standardized screening tools to ensure that the program is targeting the appropriate population for the ICADC.** The type of screening tool for intake will vary depending on what resources the program has available to treat different types of participants. Research has shown that screening participants for “suitability” based on staff perception on whether an offender will do well in the program and excluding “unsuitable” participants has no effect on program outcomes including graduation and recidivism rates (Carey et al., 2008; Carey & Perkins, 2008; Carey et al., 2010). It is probable that this is due to the extreme difficulty and subjectivity in determining what participant characteristics are likely to lead to successful outcomes, particularly at the time of participant referral as the participants are generally not at their best. It is appropriate to have objective program eligibility criteria (such as residency and having a drug problem) and to assess for risk so that level of care and level of supervision can be determined, but it is recommended that the ICADC avoid using risk assessment information to make eligibility decisions.

The program *target population* should be based on what resources the program has available to effectively treat specific types of offenders. If there is a desire to treat offenders with issues for which treatment is not currently available, then resources must be found to treat these individuals before targeting them for the program. For example, if the drug court chooses to allow people with mental health problems to participate in the drug court program, then they need to ensure that there is sufficient number of counselors with mental health training to work with them and to connect them with appropriate services, as well as access to a psychiatrist who can help stabilize the participants with any necessary medications. In terms of available *screening tools*, we recommend that program staff go to the GAINS Center Web site to get more information about mental health, substance abuse, and risk assessment screens. In particular, there is a paper that provides a breakdown of the different screening and assessment tools available with the positive features and concerns for each one, as well as information on where each of the instrument can be found. The Web address for that paper is <http://www.gainscenter.samhsa.gov/pdfs/disorders/ScreeningAndAssessment.pdf>.

- **Work toward boosting program enrollment.** The ICADC’s number of active participants, 13 (as of the time of the site visit), is less than its stated capacity of 25. The team should work together to talk through the eligibility criteria and process to determine what barriers are preventing eligible participants from entering the program (e.g., potential participants are not being identified for referral, overly stringent eligibility criteria, some referring agency staff are not aware of the program, etc.), and address those barriers in order to boost program enrollment. A team member, perhaps the coordinator, should be charged with contacting all possible sources of drug court referrals, explaining the program and how its participants benefit from being in the program, thus encouraging referrals from previous and new sources (the coordinator is already planning on meeting with

private defense attorneys to remind them of the program). The team should re-examine its eligibility criteria, particularly those that are informal, to determine whether there are any areas where less stringent criteria are possible and, therefore, may increase participation. Also, the team and/or the policy board should consider identifying more opportunities for participants to receive incentives, increasing the likelihood that individuals will enroll in (and remain in) the program. Finally, the ICADC team may want to look at “selling” the program better to potential participants. It may also be the case that the policy of sentencing terminated participants to the top of the sentencing range may be scaring off some potential participants.

It was mentioned during the conference call with the ICADC team that the former drug court prosecutor was recently made the felony public defender, which can only help in identifying more new participants for the program as well as providing further buy-in for the program. Finally, it should be mentioned that programs that exclude participants with prior violence charges and other high-risk factors from program participation have been shown by research to result in similar outcomes as programs that take high-risk participants. In fact, drug courts get the most “bang for the buck” when they take high-risk/high-need participants, as long as the program is following appropriate supervision practices (weekly court sessions for those that really are high-risk, etc.).

- **Work to decrease the length of time from arrest to program entry.** The length of time between arrest and drug court entry is longer than indicated by current best practices (less than 20 days). The ICADC as a team and perhaps in small groups should conduct a review and analysis of the case flow from referral to drug court entry to identify bottlenecks or structural barriers, and points in the process where more efficient procedures may be implemented. For example, the review process (referral and screening) may be streamlined to eliminate some of the steps involved or to collaborate better with law enforcement and attorneys. This analysis should focus on decision points along the way that result in extending the time frame. Strategies can then be tested that help reduce barriers to quicker flow from arrest to program participation, for example, the prosecutor might be able to flag cases earlier in the process for the public defender to review and the public defender might be available to briefly talk to flagged individuals at their arraignment (or in jail) in order to tell them about the program. The program staff should also identify areas where there are constraints they cannot control based on timelines from other agencies. This will help the program become aware of where they can focus their efforts to build relationships with agencies to facilitate changes in their referral process. Further, one team member could be assigned to review the systems of programs that have shorter lapses between arrest and drug court entry (the NADCP national conference would be a great opportunity to gather new ideas on this) and bring this information back to the team. An excellent resource for drug court referral and entry protocols, as well as other sample drug court procedures can be found at [http://www.dcpj.ncjrs.org/dcpj/dcpj\\_adult.html](http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html). The program should set a goal for how many days it should take to get participants into the program, and work toward achieving that goal. During a post-site visit conference call, the ICADC team agreed to continuing working on this issue and to explore some of the possibilities mentioned.
- **Evaluate program eligibility decision-making process.** It is the ICADC’s current practice that the coordinator interviews and gathers information on participants that have already been identified by the public defender and prosecutor as potential candidates. The

coordinator then sends that information to the prosecutor, who makes the ultimate eligibility decision. In most drug courts across the nation, the prosecutor flags potential participants based on legal eligibility and sends them to the public defender (who informs the offender about the program). After legal eligibility has been determined by the prosecutor and an assessment has been conducted, the entire team (usually at a team meeting) looks over the information and makes a group decision about whether or not an offender should enter the program. This fosters cooperation and collaboration among the team members and ensures that all perspectives are considered in determining whether the program is appropriate for specific offenders.

**KEY COMPONENT #4: DRUG COURTS PROVIDE ACCESS TO A CONTINUUM OF ALCOHOL, DRUG AND OTHER TREATMENT AND REHABILITATION SERVICES.**

*Assessment Question: Are diverse and specialized treatment services available?*

The focus of this key component is on the drug court's ability to provide participants with a range of treatment services appropriate to their clinical needs. Success under this component is highly dependent on success under the first component (i.e., ability to integrate treatment services within the program). Compliance with Key Component #4 requires having a range of treatment modalities or types of service available. However, drug courts still have decisions about how wide a range of treatment and habilitation services to provide, available levels of care, and which services are important for their target population.

National Research

Programs that have requirements for the frequency of group and individual treatment sessions (e.g., group sessions 3 times per week and individual sessions 1 time per week) have lower investment costs (Carey et al., 2005) and substantially higher graduation rates and improved recidivism costs (Carey et al., 2008). Clear requirements of this type may make compliance with program goals easier for participants and also may make it easier for program staff to determine if participants have been compliant. They also ensure that participants are receiving the optimal dosage of treatment determined by the program as being associated with future success.

Clients who participate in group treatment sessions 2 or 3 times per week have better outcomes (Carey et al., 2005). Programs that require more than three treatment sessions per week may create a hardship for clients (such as with transportation, childcare, or employment), and may lead to clients having difficulty complying with program requirements and completing the program. Conversely, it appears that one or fewer sessions per week is too little service to demonstrate positive outcomes. Individual treatment sessions, used as needed, can augment group sessions and may contribute to better outcomes. In addition, drug courts that include a phase that focuses on relapse prevention were shown to have higher graduation rates and lower recidivism than drug courts that did not (Carey et al., 2009).

The American University National Drug Court Survey (Cooper, 2000) showed that most drug courts have a single treatment provider agency. NPC, in a study of 18 drug courts in four different states (Carey et al., 2008), found that having a single provider or an agency that oversees all the providers is correlated with more positive participant outcomes, including lower recidivism and lower recidivism costs.

Discharge and transitional services planning is a core element of substance abuse treatment (SAMHSA/CSAT, 1994). According to Lurigio (2000), "The longer drug-abusing offenders re-

main in treatment and the greater the continuity of care following treatment, the greater their chance for success.”

### Island County Process

- Phoenix Recovery is currently responsible for assessing and providing treatment services to ICADC participants. However, on July 1, 2011 treatment services will be assumed by the County Department of Human Services, which will be hiring its own treatment staff. If the County Department of Human Services isn't certified by the state by July, there may end up being a short gap in treatment services for participants.
- The treatment provider and case manager (employed by Probation) perform case management for drug court participants. The jail transition coordinator (employed by Human Services) connects jailed participants with resources to get them integrated back in the community as functioning members of society.
- The ICADC program consists of four phases. Phase one lasts a minimum of 12 weeks and phase four lasts a minimum of 4 weeks. Individual treatment session attendance is required once every 2 weeks in phase one and there is no general requirement (or it is specific to the participant) in the last phase. Group treatment session attendance is required 3 times weekly in the first phase and there is no general requirement (or it is specific to the participant) in the last phase. Participants are also required to attend self-help groups throughout the program.
- *Services required for all participants are based on assessed level of care and include:* outpatient individual and group treatment sessions, and self-help meeting attendance. *Services required for some participants include:* job training/vocational program, employment assistance, Cognitive-Behavioral Therapy, and GED/education assistance. *Services offered to participants but not required include:* detoxification, residential treatment, mental health counseling, psychiatric services, language-specific or culturally-specific programs, parenting classes, housing/homelessness assistance, and prescription drugs for substance abuse.
- Child care is offered to participants with small children.
- The ICADC does not conduct home visits.
- The ICADC has a phase when participants learn relapse prevention and life skills, but there is no aftercare program available after graduation nor is there an alumni group.

### Suggestions/Recommendations

- **Commendation: Continue coordinating treatment through a single organization.** Research shows that having one to two treatment providing agencies is significantly related to better program outcomes including higher graduation rates and lower recidivism (Carey et al., in process). The ICADC should be commended for following best practices in this area, by having an umbrella organization that coordinates an array of treatment services.
- **Work to ensure a smooth transition between treatment providers.** The county will be taking over as the treatment provider on July 1, 2011. In order to make the transition as smooth as possible on participants, the county will be using the same building and possibly some of the same treatment counselors as Phoenix Recovery. The ICADC is encour-

aged to frequently revisit and update the transition plan to ensure there are no gaps in service for participants. The coordinator and county substance abuse coordinator are meeting weekly to work out the transition plan. It is recommended that the results of these meetings continue to be shared with other team members to ensure that everyone is up to date.

- **Institute an aftercare component.** Aftercare is a clinical best practice, supporting individuals in their transition to a drug-free lifestyle. The program should consider encouraging or requiring a routine aftercare phase or component after graduation, to better support participants in their transition to the community and off of supervision and enhance their ability to maintain the behavioral changes they have accomplished during participation in the ICADC.
- **Encourage the formation of an alumni group.** The program should encourage participants to start an alumni group to help support their peers after the program as well as to support current participants in completing the program. Some courts have used alumni support groups as a cost-effective tool in aftercare planning. The ICADC team has already begun work on planning an alumni group and it is part of the new county treatment provider's plan.

#### **KEY COMPONENT #5: ABSTINENCE IS MONITORED BY FREQUENT ALCOHOL AND OTHER DRUG TESTING.**

*Assessment Question: Compared to other drug courts, and to research findings on effective testing frequency, does this court test frequently?*

The focus of this key component is on the use of alcohol and other drug testing as a part of the drug court program. Drug testing is important both for court supervision and for participant accountability. It is generally seen as a key practice in participants' treatment process. This component encourages frequent testing but does not define the term "frequent" so drug courts develop their own guidelines on the number of tests required. Related to this component, the drug court must assign responsibility for these tests and the method for collection.

#### National Research

Research on drug courts in California (Carey et al., 2005) found that drug testing that occurs randomly, at least 3 times per week, is the most effective model. If testing occurs more frequently (that is, more than 3 times per week), the random component becomes less important as it is difficult to find time to use in between frequent tests.

In addition to frequency of testing, it is important to ensure that drug testing is random, unexpected, and fully observed during sample collection, as there are numerous ways for individuals to predict when testing will happen and therefore use in between tests or submit a sample that is not their own. In focus groups with participants after they left their programs, individuals have reported many ways they were able to "get around" the drug testing process, including sending their cousin to the testing agency and bringing their 12-year-old daughter's urine to submit.

#### Island County Process

- Drug testing is performed both on a random basis and for cause (e.g., the participant appears to be under the influence). A color code system is used, but other random UAs outside of the color code are also used. There is no discernable pattern to the different days that drug testing occurs, but there is concern that participants might be able to work the



color code system and still be able to use without being caught, especially on the colors that are tested infrequently. Participants have two drug tests per week in the first phase and one drug test per month in the last phase. Drug testing occurs on 4 weekends per month.

- Drug testing is mainly performed through instant UAs, though UAs sent out to a lab for testing (for those on prescription medication that could register as use), breath tests, and alcohol tethers/bracelets are also used occasionally.
- Instant UA results are obtained within minutes. The program also uses send-away confirmations for those participants on prescription medicine that could register as drugs.
- All UAs are usually fully observed by staff trained to safeguard the collection process (sometimes an observer of the same sex is not available). Drug testing is conducted by the treatment provider, probation, and case manager.

#### Suggestions/Recommendations

- **Continue to work toward observing all drug tests.** Fully observed UAs are important for the integrity of drug testing. There are trainings available (such as those provided by NDCI) specifically on this process including procedures such as requiring participants to squat before providing a sample so that the observer can listen for the sound of certain types of equipment used to contain false samples, etc. We recommend that the ICADC look into this kind of training to ensure that UAs are appropriately observed.
- **Review the program's color code system and its policy on drug testing timing and frequency.** National drug court researcher Doug Marlowe (Marlowe, 2008) suggests that the frequency of drug testing be the last thing that is ratcheted down as participants progress through the phases. As treatment sessions and court appearances are decreased, checking for drug use becomes increasingly important to determine if the participant is doing well with more independence and less supervision. The ICADC should examine their current timing of the decrease in the frequency of drug testing and ensure that it does not occur before other forms of supervision have been decreased successfully. It is recommended that the IDADC also examine its color code system to ensure that drug testing is in fact random and that participants aren't able to work the system (especially in later phases, as testing in the first phase appears to be sufficient). The program may want to consider using an automated randomizer.

#### **KEY COMPONENT #6: A COORDINATED STRATEGY GOVERNS DRUG COURT RESPONSES TO PARTICIPANTS' COMPLIANCE.**

*Assessment Questions: Do program staff work together as a team to determine sanctions and rewards? Are there standard or specific sanctions and rewards for particular behaviors? Is there a written policy on how sanctions and rewards work? How does this drug court's sanctions and rewards compare to what other drug courts are doing nationally?*

The focus of this component is on how the drug court team responds to client behavior during program participation, including how the team works together to determine an effective, coordinated response. Drug courts have established a system of rewards and sanctions that determine the program's response to acts of both non-compliance and compliance with program requirements. This system may be informal and implemented on a case-by-case basis, a formal system applied evenly to all clients, or a combination of both. The key staff involved in decisions about

appropriate responses to participant behavior varies across courts. Drug court team members may meet and decide on responses, or the judge may decide on the response in court. Drug court participants may (or may not) be informed of the details on this system of rewards and sanctions, so their ability to anticipate a response from their team may vary significantly across programs.

### National Research

The drug court judge is legally and ethically required to make the final decision regarding sanctions or rewards, based on expert and informed input from the drug court team. All drug courts surveyed in an American University study reported that they had established guidelines for their sanctions and rewards policies, and nearly two-thirds (64%) reported that their guidelines were written (Cooper, 2000).

Drug courts that responded to infractions immediately, particularly by requiring participants to attend the next available court session, had twice the cost savings. In addition, research has found that drug courts that had their guidelines for team responses to participant behavior written and provided to the team had higher graduation rates and higher cost savings due to lower recidivism (Carey et al., 2008; Carey et al., 2010).

### Island County Process

- Initial decisions about sanctions and rewards are made during pre-court meetings prior to drug court. The team typically reaches decisions by consensus. However, the judge has the final decision about whether to impose the rewards and sanctions.
- The ICADC does not have a written copy of the guidelines for program/team response to participant behavior. The participant handbook has a list of possible sanctions and the case manager keeps notes on past behavior and sanctions, but team members don't have written guidelines.
- Participants receive rewards, which are given in a standardized way for specific behaviors. Participants receive both intangible rewards (such as applause and praise) and tangible rewards (such as gift certificates, clothing vouchers, and movie passes). Participants who are sanction-free get to pick a snack out of a bowl during court sessions.
- ICADC staff can provide rewards outside of court sessions.
- Participants know what specific behaviors lead to rewards, but they are not given a written list of possible rewards or a written list of the behaviors that lead to rewards. Participants have responded that the rewards they receive are meaningful to them.
- Sanctions are sometimes standardized, and sometimes on a case-by-case basis.
- Sanctions are imposed immediately after the non-compliant behavior or at the first court session after the non-compliant behavior. If the non-compliant behavior is serious (new use, new charge, missing treatment sessions), the participant is scheduled for the next court session which is within 1 week.
- Sanctions may not be imposed outside of court by team members other than the judge.
- The program staff reports that participants know what specific behaviors lead to sanctions, and they are given a written list of possible sanctions as well as a written list of the behaviors that lead to sanctions.

- Court responses to participant non-compliance include writing essays, community service, more frequent court appearances, return to an earlier phase, residential treatment, more frequent UAs, increased treatment sessions, and jail time. Phase demotion and jail time were reported as particularly effective responses to participant behavior.
- Sanctions are graduated so that the severity increases with more frequent or more serious infractions.
- Jail is sometimes used as a sanction after the first or second positive drug test (although it is often a suspended jail sanction), and it is always used after the third positive drug test. Jail sanctions are typically one or two days; jail sanctions of one or 2 weeks are used rarely. Jail is never used as an alternative for detoxification or residential when detoxification or residential treatment is not available. Suspended jail sanctions are used frequently.
- ICADC participants are required to pay fees to the court as part of the program. Fees do not vary according to participants' ability to pay; the estimated total fees paid average \$150 per participant.
- Any of the following will prompt a termination hearing, which may or may not result in removing an individual from participation in the program: any new arrest, new arrest for drug possession, new arrest for trafficking, new arrest for violent offense, failure to appear in court with no excuse, missing treatment sessions, and positive drug tests. Terminated participants are usually sentenced to the top of the sentencing range.
- Participants must be drug free for a minimum of 180 days before they can graduate, but there is no minimum number of clean drug tests participants must have before graduation.
- In order to graduate, participants are required to have a job or be in school, have a sober housing environment, write a sobriety (or some other) plan, pay all drug court and/or treatment fees, and pay all court-ordered fines and fees not related to drug court.
- Graduations occur at the end of regular drug court sessions. Graduates receive a \$25 gift certificate and a cake. Participants on the docket that day are expected to attend. The ICADC recently started to invite influential community members to the graduation ceremonies.
- Charges for the case that led participants to drug court are dismissed upon graduation. Early termination of probation is another incentive for participants to enter and graduate from the program.

#### Suggestions/Recommendations

- **Commendation.** Overall, the ICADC shows a good balance of sanctions, rewards, and treatment responses. Court response to participant behavior occur as soon as possible following the behavior that prompts the response. The program is commended for implementing a coordinated strategy to govern drug court responses to participants' compliance. In addition, the judge does a good job of explaining the reasons for sanctions and rewards in court for the benefit of the participant before the judge and for the participants who are observing. Although the program already has a list of possible incentives and sanctions, it is important to continue to strive to find creative and effective responses to participant noncompliance that are focused on changing participant behavior. For additional ideas and examples, please see Appendix B, which contains a sample list of re-

wards and sanctions used by drug courts across the United States. Other examples can be found at this BJA Web site: [http://www.dcpj.ncjrs.org/dcpj/dcpj\\_adult.html#ias](http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html#ias). Some of these examples are already in use by this program, but others may provide new and useful ideas.

- **Create written guidelines on the use of sanctions and rewards and give a printed copy to each team member for use in pre-hearing meetings.** Drug courts that have written guidelines for sanctions and rewards and that provide these guidelines to the team have double the graduation rate and three times the cost savings compared to drug courts that do not have written guidelines (Carey et al., 2008; Carey et al., 2010). These guidelines should be considered a starting point for team discussion of rewards and sanctions during pre-hearing meetings and not hard and fast rules. The guidelines assist the team in maintaining consistency across participants so that, when appropriate, similar behaviors results in similar sanctions. The guidelines also serve as a reminder of the various reward and sanction options available to the team so that the team does not fall into habits of using the same type of sanctions (e.g., jail) so frequently that they become ineffective.
- **Consider revising the policy of sentencing terminated participants to the top of the sentencing range.** The ICADC's policy is to sentence terminated participants to the top of the sentencing range (as an incentive for participants to be successful in the program). Because research has shown that drug courts that use maximum sentences have worse outcomes than those that don't, it is recommended that the ICADC consider rethinking its policy of sentencing near the top of the sentencing range. An additional consideration should be that longer sentences for terminated participants have the effect of making drug court a more expensive option. However, it was mentioned during the post-site visit conference call that sentences near the top of the sentencing range are not very different from the low end of the sentencing range, so it may be that this is not a big issue for the ICADC.
- **Require all participants to attend graduation ceremonies and invite influential community members.** Attendance at drug court graduation ceremonies should be required of all current drug court participants. This would help to create and strengthen a supportive environment among individual participants and serve to motivate current participants to progress to the graduation phase. In addition, the team should invite community members, staff from other agencies (particularly agency heads), as well as Superior Court staff, to drug court graduations. Graduations can provide powerful testimony for the effectiveness of drug courts. It is important to educate those not familiar with drug courts in how the drug court model works and its effectiveness. The more support the drug court has in the community, the easier it will be to find and sustain funding.

**KEY COMPONENT #7: ONGOING JUDICIAL INTERACTION WITH EACH PARTICIPANT IS ESSENTIAL.**

*Assessment Question: Compared to other drug courts, and to effective research-based practice, do this court's participants have frequent contact with the judge? What is the nature of this contact?*

The focus of this component is on the judge's role in drug court. The judge has an extremely important function for drug court in monitoring client progress and using the court's authority to promote positive outcomes. While this component encourages ongoing interaction, drug courts

must still decide more specifically how to structure the judge's role. Courts need to determine the appropriate amount of courtroom interaction between the participant and the judge as well as how involved the judge is to be with the participant's case. Outside of the court sessions, depending on the program, the judge may or may not be involved in team discussions, progress reports and policy making. One of the key roles of the drug court judge is to provide the authority to ensure that appropriate treatment recommendations from trained treatment providers are followed.

### National Research

From its national data, the American University Drug Court Survey (Cooper, 2000) reported that most drug court programs require weekly contact with the judge in Phase I, contact every 2 weeks in Phase II, and monthly contact in Phase III. The frequency of contact decreases for each advancement in phase. Although most drug courts follow the above model, a substantial percentage reports less court contact.

Research in California, Oregon, Michigan, Maryland, Missouri and Guam (Carey et al., 2005; 2008; 2010; in process) demonstrated that, on average, participants have the most positive outcomes if they attend approximately one court appearance every 2 weeks in the first phase of their involvement in the program. Marlowe et al. (2006) also demonstrated that bi-weekly court sessions were more effective for high-risk offenders, whereas less frequent sessions (e.g., monthly) were as effective for lower risk offenders.

In addition, programs in which the judge remained on the bench for at least 2 years had the most positive participant outcomes. It is recommended that drug courts either avoid fixed terms, or require judges with fixed terms to serve 2 years or more, and that courts with fixed terms consider having judges rotate through the drug court more than once, as experience and longevity are correlated with more positive participant outcomes and cost savings (Carey et al., 2005; Finigan, Carey, & Cox, 2007).

### Island County Process

- Drug court participants are required to attend drug court sessions once per week in phase one, with court attendance reducing over the phases so that participants appear once per month by the last phase.
- The drug court judge is assigned to the drug court indefinitely.
- The drug court judge has attended official drug court training sessions or workshops. In addition, she has observed other drug courts and has attended professional drug court-related conferences.
- The judge speaks directly to participants during their court appearances. She provides consistent follow-through on warnings to participants and typically follows the recommendations provided by the team.
- Observations made during court appearances revealed that the judge was warm and respectful with participants. She was clear and direct when speaking with participants and checked in about their progress. The judge encouraged each participant and gave advice, but was firm when it was required (if a participant was giving excuses). She explained policies so that all participants in attendance could learn.

- Court hearings consist of a conversation between the judge and the participant. Other team members were not observed taking part in the conversation unless they were asked a question.
- Drug court sessions typically last 45 minutes and an average of 8 participants attend each session. Participants stay for the entire court session. During the observation, 5 participants were on the docket and court lasted 30 minutes, for an average of 6 minutes per participant.
- The juvenile drug court judge is available as a back-up if the ICADC judge is unavailable.

### Suggestions/Recommendations

- **Commendation.** The ICADC has a back-up judge (the juvenile drug court judge) with drug court experience when the ICADC judge is unavailable. The ICADC judge is also assigned to drug court indefinitely, which is a benefit as judge experience and longevity are correlated with more positive participant outcomes and greater cost savings (Carey et al., 2008).
- **Commendation.** The ICADC judge uses the courtroom appropriately as a theater so that other participants are able to learn through observing the experiences of their peers (e.g., seeing a participant rewarded for good behavior or being sent to sanctioned for non-compliance).
- **Commendation.** Previous research (Carey et al., 2005) has indicated that greater representation of team members (especially the prosecuting attorney and defense attorney) at team meetings and court sessions is correlated with positive outcomes for clients, including reduced recidivism and, consequently, reduced costs at follow-up. The ICADC is commended for having the entire team present at pre-court meetings and court sessions.
- **Decrease the required frequency of participant court appearances for participants who are not high-risk.** As research has shown that court appearances less frequent than once per week (e.g., court appearances once every 2 weeks or once per month) can have better outcomes (except in high-risk/high-need individuals) (Marlowe et al., 2006; Carey et al., 2008), the ICADC should reduce the frequency of drug court appearances every 2 weeks for lower risk participants in the first phase. This may also help reduce program costs and help increase program capacity. However, as this should only be done for non-high-risk participants, it is essential that the program identify those participants that are high-risk as well as ensure immediate response to non-compliance by making participants facing a sanction appear at the next court session. As the ICADC has a small number of participants who all communicate amongst themselves, the judge will need to explain in court why some participants are going to court less (or more) frequently than others (in order to avoid the appearance of unfairness).
- **As the program reaches capacity, monitor time spent per participant in court.** Because time is often a scarce resource for drug court team members, as well as participants, it may be prudent for the team to explore how interactions in the courtroom could be more streamlined as the program reaches capacity. Nationally, optimal averages for court interaction are generally 2 to 3 minutes for each participant (however, longer interactions aren't detrimental and this court currently has the luxury of spending longer per participant). In these courts, drug court judges typically offer a synopsis of each partici-

part's progress as gleaned from the team meeting. Once the program's capacity is reached, there will be a greater need to streamline the court process.

**KEY COMPONENT #8: MONITORING AND EVALUATION MEASURE THE ACHIEVEMENT OF PROGRAM GOALS AND GAUGE EFFECTIVENESS.**

*Assessment Question: Are evaluation and monitoring integral to the program?*

This component encourages drug court programs to monitor their progress towards their goals and evaluate the effectiveness of their practices. The purpose is to establish program accountability to funding agencies and policymakers as well as to themselves and their participants. Further, regular monitoring and evaluation provides programs with the feedback needed to make adjustments in program practices that will increase effectiveness. Finally, programs that collect data and are able to document success can use that information to gain additional funding and community support. Monitoring and evaluation require the collection of thorough and accurate records. Drug courts may record important information electronically, in paper files or both. Ideally, drug courts will partner with an independent evaluator to help assess their progress. Lastly, it is important to determine how receptive programs are to modifying their procedures in response to feedback.

National Research

Carey et al. (2008) and Carey et al. (2009) found that programs with evaluation processes in place had better outcomes. Four types of evaluation processes were found to save the program money with a positive effect on outcome costs: 1) maintaining electronic records that are critical to participant case management and to an evaluation, 2) the use of program statistics by the program to make modifications in drug court operations, 3) the use of program evaluation results to make modification to drug court operations, and 4) the participation of the drug court in more than one evaluation by an independent evaluator.

Island County Process

- The ICADC started a pilot program in March 2011 to collect data electronically on the Drug Court Case Management (DCCM) system for participant tracking. Previous to this date, data was collected on paper. The coordinator and case manager are currently in the process of entering old data into the system. The new treatment provider (the county) will be entering basic treatment information into the new system (but not detailed case management notes).
- Other than this process evaluation, the ICADC has not yet had an outside evaluation of the program.

Suggestions/Recommendations

- **Commendation.** The ICADC is to be commended for beginning the evaluation process with this 10 Key Component process evaluation. Research shows that programs that engaged in evaluation activities and monitored their statistics regularly and used that feedback to make adjustment in program practices had significantly lower recidivism (Carey et al., in process).
- **Commendation. The ICADC has begun the process of using an online data system.** This system (the DCCMIS) is a particularly high quality system and will allow them to

communicate more effectively with each other as a team, perform more informed case management as well as easily provide data for evaluation.

- **Share evaluation and assessment results.** The team and policy board members should set aside time to discuss the overall findings and recommendations in this report, and determine what program adjustments will be made, both to make a note of their accomplishments and to determine what program adjustments will be made. Appendix A contains a brief set of guidelines for how to review program feedback and next steps in making changes to the program. In addition, the assessment and evaluation results can be very beneficial to the program if they are looking to apply for grants to fund additional positions, etc., or for local funders/agencies to help them access resources. These results can document needs as well as show how well the program has done in some areas.
- **Continue to collect electronic data.** The drug court team should continue to accumulate and analyze data about the drug court participants and use it for program reviews and planning, such as to inform the team about the types of participants who are most and least successful in the program. A list of data important for participant case management, program self-monitoring and evaluation is included in Appendix D.
- **Consider an outcome evaluation.** The team should consider implementing a full outcome evaluation to determine which components of the program are contributing to participant success and which are challenges to success. The outcome evaluation should include a comparison of the program with the “business as usual” option (i.e., probation), including information on recidivism and a cost-benefit comparison. Outcome and impact evaluation can help the program further enhance their services as well as providing “proof in the numbers” that the program is improving offender outcomes.

**KEY COMPONENT #9: CONTINUING INTERDISCIPLINARY EDUCATION PROMOTES EFFECTIVE DRUG COURT PLANNING, IMPLEMENTATION, AND OPERATIONS.**

*Assessment Question: Is this program continuing to advance its training and knowledge?*

This component encourages ongoing professional development and training of drug court staff. Team members need to be updated on new procedures and maintain a high level of professional and technical knowledge. Drug courts must decide who receives this training and how often. This can be a challenge during implementation as well as for courts with a long track record. Drug courts are encouraged to continue organizational learning and share lessons learned with new hires.

National Research

Carey et al. (2008; in process) found that drug court programs requiring all new hires to complete formal training or orientation, and requiring *all* drug court team members to attend regular trainings were associated with higher graduation rates and greater cost savings due to lower recidivism.

Island County Process

- In addition to on-the-job training, the following drug court team members have received training or education specifically on the drug court model: the judge, drug court coordinator, and prosecuting attorney (the agency head, not the prosecutor in drug court).



- Drug court staff have not received training specifically about the target population of the court including age, gender, race/ethnicity and drugs of choice, nor have they received training on strength-based philosophy and practices. However, team members do bring new information on drug court practices including drug addiction and treatment to team meetings.
- The following drug court team members have had training specifically in the use of rewards and sanctions to modify the behavior of drug court participants: the judge, defense attorney, prosecuting attorney, drug court coordinator, and case manager.
- Drug court team members have not generally received trainings specific related to their roles on the drug court team.
- Most of the ICADC team members are going to the NADCP national conference this summer.

#### Suggestions/Recommendations

- **Obtain training for all team members on the drug court model, incentives and sanctions, collaboration and drug court roles.** Several of the current drug court team members have not attended specialized drug court trainings, or it has been many years since their last attendance at a workshop. The drug court model requires specialized training for all staff members to understand their new roles, and the behavioral science underlying effective treatment of addiction. Team member training has been demonstrated to produce significantly lower recidivism and greater program completion rates, and to save criminal justice system resources that can then be used to support the processing of greater numbers of offenders (Carey, Finigan, & Pukstas, 2008; Carey et al., in process). The NDCI offers many excellent training opportunities. In addition, the NADCP Annual Training Conference will be held in Washington, D.C., this July. The program has reported that several staff members are planning to attend this conference.

There should be an expectation of, and encouragement for, staff taking advantage of ongoing learning opportunities (both locally and nationally). To support this goal, a training plan and a log system could be established, the results of which should be reviewed by program administrators periodically. These tools can be useful in keeping track of training activities and in reinforcing the importance of professional development. Since finding money for training can often be problematic, we recommend going to the National Drug Court Institute (NDCI) Web site at [http://www.dcpj.ncjrs.org/dcpj/dcpj\\_adult.html#ias](http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html#ias) for online training materials available at no cost. NDCI also has a free Web-based training curriculum (Webinar).

#### **KEY COMPONENT #10: FORGING PARTNERSHIPS AMONG DRUG COURTS, PUBLIC AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS GENERATES LOCAL SUPPORT AND ENHANCES DRUG COURT PROGRAM EFFECTIVENESS.**

*Assessment Question: Compared to other drug courts, has this court developed effective partnerships across the community?*

This component encourages drug courts to develop partnerships with other criminal justice, service, nonprofit and commercial agencies. For these collaborations to be true “partnerships,” regular meetings and collaborations with the partners should occur. If successful, the drug court will benefit from the expertise that resides in all of the partner agencies and participants will en-

joy greater access to a variety of services. Drug courts must still determine what partners are available and decide with whom to partner and how formal to make these partnerships. Other important factors to weigh include who will be considered as part of the main drug court team; who will provide input primarily through policymaking; and what types of services will be available to clients through these partnerships.

### National Research

Responses to American University's National Drug Court Survey (Cooper, 2000) show that most drug courts are working closely with community groups to provide support services for their drug court participants. Examples of community resources with which drug courts are connected include self-help groups such as AA and NA, medical providers, local education systems, employment services, faith communities, and Chambers of Commerce.

In addition, Carey et al. (2005) and Carey et al. (2010) found that drug courts that had formal partnerships with community agencies that provide services to drug court participants had better outcomes than drug courts that did not have these partnerships.

### Island County Process

- The drug court has developed some relationships with organizations that can provide services for participants in the community, and it refers participants to available services when appropriate. The ICADC has a partnership with an agency that provides employment assistance/skills building services, but no partnership with agencies that provide housing assistance or educational services. The ICADC received a grant to hire someone half-time from Work Source to provide classes to participants on writing resumes, how to fill out job applications, and interviewing skills.
- The drug court team reports that all agencies that work directly and regularly with participants are represented on the drug court team. However, the team does not include representatives from community agencies that work occasionally with drug court participants (e.g., employment assistance).
- The ICADC does not have an advisory board that brings in people representing the community, including business community, faith community, social services/non-profits, and other stakeholders. Sustainability, community connections, and participant needs are discussed within the team at the pre-court meetings where participant progress is discussed.
- The ICADC has been and will continue to be funded through the dedicated 0.01% mental health sales tax initiative in the State of Washington, along with an initial BJA grant. Treatment is funded by the Criminal Justice Treatment Account and general funding from the State for Chemical Dependency services.

### Suggestions/Recommendations

- **Continue to build relationships with organizations in the community.** The program is encouraged to build relationships with faith communities, medical and dental providers, and local businesses wherever possible. The program should maintain a list of common participant need areas and conduct outreach to new community partners to find ways to creatively meet those needs, especially in terms of jobs, housing, health care, transportation, and education. The advisory board would be a good place to make this outreach. Connections with local businesses will also help with obtaining additional incentives and rewards for participants who are doing well in the program. In addition, because the drug

court coordinator and judge are often the “face” of the drug court in the community, and the policy board members are the “face” of the drug court in their respective agencies, it is essential that they work together to develop a coordinated community outreach plan. The ICADC coordinator has already started outreach with community organizations.

- **Institute an advisory board.** Related to the previous recommendation on building further relationships with organizations in the community, the program should consider developing a drug court advisory board that would meet twice per year to discuss sustainability, community connections, and participant needs. It is recommended that the ICADC invite representatives from community agencies that work regularly with drug court participants to the advisory board, as well as representatives of the business community, faith community, non-profits, and other interested groups. The inclusion of community members in this group could result in expanded understanding of and community support for the program, and may result in additional services, facilities and further sustainable funding for the program.

#### **ADDITIONAL RESOURCES**

The appendices at the end of this document contain resources to assist the program in making any changes based on the feedback and recommendation in this report. Appendix A provides a brief “how-to” guide for beginning the process of changing program structure and policies. Appendix B contains a list of incentives and sanctions used in drug court programs across the country for use in developing new ideas for court and treatment responses that will change participant behavior in more positive directions. Appendix C provides an example from a currently operating drug court of their reward and sanction guidelines. Appendix D provides a list of data elements that programs should collect for case management, self-monitoring and evaluation. Other important and useful resources for drug courts are available at this Web address: [http://www.dcpj.ncjrs.org/dcpj/dcpj\\_adult.html#ias](http://www.dcpj.ncjrs.org/dcpj/dcpj_adult.html#ias).



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**APPENDIX A: GUIDE FOR USE OF NPC ASSESSMENT AND  
TECHNICAL ASSISTANCE REPORTS**





## Brief Guide for Use of NPC Assessment and Technical Assistance Reports

The 10 Key Component assessment results can be used for many purposes, including 1) improvement of program structure and practices for better participant outcomes (the primary purpose), 2) grant applications to demonstrate program needs or illustrate the program's capabilities, and 3) requesting resources from boards of county commissioners or other local groups.

### When you receive the results:

- Distribute copies of the report** to all members of your team, advisory group, and other key individuals involved with your program.
- Set up a meeting** with your team and steering committee to discuss the report's findings and recommendations. Ask all members of the group to **read the report** prior to the meeting and **bring ideas and questions**. Identify who will **facilitate** the meeting (bring in a person from outside the core group if all group members would like to be actively involved in the discussion).
- Contact NPC Research** if you would like research staff to be available by phone to answer questions.
- During the meeting(s), **review each recommendation**, discuss any questions that arise from the group, and **summarize the discussion, any decisions, and next steps**. You can use the format below or develop your own:

### **Format for reviewing recommendations:**

Recommendation: Copy the recommendations from the electronic version of report and provide to the group.

Responsible individual, group, or agency: Identify who is the focus of the recommendation, and who has the authority to make related changes.

Response to recommendation: Describe the status of action related to the recommendation (some changes or decisions may already have been made). Indicate the following:

- 1. This recommendation will be accepted. (see next steps below)
- 2. Part of this recommendation can be accepted (see next steps below and indicate here which parts are not feasible or desirable, and why)
- 3. This recommendation cannot be accepted. Describe barriers to making related changes (at a future time point, these barriers may no longer exist) or reason why the recommendation is not desirable or would have other negative impacts on the program overall.

Next steps: Identify which tasks have been assigned, to whom, and by what date they will be accomplished or progress reviewed. Assign tasks only to a **person who is present**. If the appropriate person is not present or not yet identified (because the task falls to an agency or to the community, for example), identify who from the group will take on the task of identifying and contacting the appropriate person.

- Person: (Name)
- Task: (make sure tasks are specific, measurable, and attainable)

- **Deadline or review date:** (e.g., June 10<sup>th</sup>) The dates for some tasks should be soon (next month, next 6 months, etc.); others (for longer term goals for example) may be further in the future.
  - **Who will review:** (e.g., advisory board will review progress at their next meeting)
- 
- **Contact NPC Research** after your meeting(s) to discuss any questions that the team has raised and not answered internally, or if you have requests for other resources or information.
  - **Contract NPC Research** if you would like to hold a conference call with or presentation to any key groups related to the study findings.
  - **Request technical assistance or training as needed** from NADCP/NDCI or other appropriate groups.
  - **Add task deadlines to the agendas of future steering committee meetings**, to ensure they will be reviewed, or select a date for a follow-up review (in 3 or 6 months, for example), to discuss progress and challenges, and to establish new next steps, task lists, and review dates.

**APPENDIX B: LIST OF POSSIBLE PROGRAM REWARDS  
AND SANCTIONS**



# Examples of Rewards and Sanctions Used By Other Drug Courts

## Drug Court Responses to Participant Behavior (Rewards and Sanctions) Ideas and Examples

The purpose of rewards and sanctions in drug court programs is to help shape participant behavior in the direction of drug court goals and other positive behaviors. That is, to help guide offenders away from drug use and criminal activity and toward positive behaviors, including following through on program requirements. Drug court teams, when determining responses to participant behavior, should be thinking in terms of behavior change, not punishment. The questions should be, “What response from the team will lead participants to engage in positive, pro-social behaviors?”

Sanctions will assist drug court participants in what *not* to do, while rewards will help participants learn they *should* do. Rewards teach that it can be a pleasant experience to follow through on program requirements and in turn, to follow through on positive life activities. It is important to incorporate both rewards and sanctions.

Below are some examples of drug court team responses, rewards and sanctions that have been used in drug courts across the United States.

### **Rewards**

#### *No cost or low cost rewards*

- ❑ Applause and words of encouragement from drug court judge and staff
- ❑ Have judge come off the bench and shake participant’s hand.
- ❑ Photo taken with Judge
- ❑ A “Quick List.” Participants who are doing well get called first during court sessions and are allowed to leave when done.
- ❑ A white board or magnetic board posted during drug court sessions where participants can put their names when they are doing well. There can be a board for each phase so when participants move from one phase to the next, they can move their names up a phase during the court session.
- ❑ Decrease frequency of program requirements as appropriate—fewer self-help (AA/NA) groups, less frequent court hearings, less frequent drug tests.
- ❑ Lottery or fishbowl drawing. Participants who are doing well have their names put in the lottery. The names of these participants are read out in court (as acknowledgement of success) and then the participant whose name is drawn receives a tangible reward (candy, tickets to movies or other appropriate events, etc.)
- ❑ Small tangible rewards such as bite size candies.
- ❑ Key chains, or other longer lasting tangible rewards to use as acknowledgements when participants move up in phase.
- ❑ More visitation with children

### *Higher cost (generally tangible) rewards*

- ❑ Fruit (for staff that would like to model healthy diet!)
- ❑ Candy bars
- ❑ "The Basket" which is filled with candy bars—awarded drug court session when participant is doing *everything* "right"
- ❑ Coffee bucks
- ❑ Gift certificates for local stores.
- ❑ Scholarships to local schools.
- ❑ Tokens presented after specified number of clean days given to client by judge during court and judge announces name and number of clean days.
- ❑ Swimming pass to local pool

### **Responses to (and Sanctions for) Non-Compliant Behavior**

- ❑ Require participants to write papers or paragraphs appropriate to their non-compliant behavior and problem solve on how they can avoid the non-compliant behavior in the future.
- ❑ "Showing the judge's back." During a court appearance, the judge turns around in his or her chair to show his/her back to the participants. The participant must stand there waiting for the judge to finish their interaction. (This appears to be a very minor sanction but can be very effective!)
- ❑ Being reprimanded by the judge
- ❑ "Sit sanctions." Participants are required to come to drug court hearings (on top of their own required hearings) to observe. Or participants are required to sit in regular court for drug offenders and observe how offenders are treated outside of drug court.
- ❑ Increasing frequency of drug court appearances
- ❑ Increasing frequency of self-help groups, (for example, 30 AA/NA meetings in 30 days or 90 AA/NA meetings in 90 days).
- ❑ Increasing frequency of treatment sessions
- ❑ One day or more in jail. (Be careful, this is an expensive sanction and is not always the most effective!)
- ❑ "Impose/suspend" sentence. The judge can tell a participant who has been non-compliant that he or she will receive a certain amount of time in jail (or some other sanction) if they do not comply with the program requirements and/or satisfy any additional requirements the staff requests by the next court session. If the participant does not comply by the next session, the judge imposes the sentence. If the participant does comply by the next session, the sentence is "suspended" and held over until the next court session, at which time, if the participant continues to do well, the sentence will continue to be suspended. If the participant is non-compliant at any time, the sentence is immediately imposed.
- ❑ Community service. The best use of community service is to have an array of community service options available. If participants can fit their skills to the type of service they are providing and if they can see the positive results of their work, they will have the opportunity to learn a positive lesson on what it can mean to give back to their communities. Examples of community service that other drug courts have used are: helping to build

houses for the homeless (e.g., Habitat for Humanity), delivering meals to hungry families, fixing bikes or other recycled items for charities, planting flowers or other plants, cleaning and painting in community recreation areas and parks. Cleaning up in a neighborhood where the participant had caused harm or damage in the past can be particularly meaningful to the participants.

- ❑ Rather than serve jail time, or do a week of community service, the participant works in the jail for a weekend.
- ❑ Residential treatment.





**APPENDIX C: SAMPLE OF DRUG COURT REWARD  
AND SANCTION GUIDELINES**



# SANCTIONS

## I. Testing positive for a controlled substance

- Increased supervision
- Increased urinalysis
- Community service
- Remand with a written assignment
- Incarceration (1 to 10 days on first; 1 week on second)
- Discharge from the program

### TREATMENT RESPONSE:

- Review treatment plan for appropriate treatment services
- Write an essay about your relapse and things you will do differently
- Write and present a list of why you want to stay clean and sober
- Write and present a list of temptations (people, objects, music, and locations) and what you plan to put in their place.
- Make a list of what stresses you and what you can do to reduce these stresses.
- Residential treatment for a specified period of time (for more than 2 positive tests)
- Additional individual sessions and/or group sessions
- Extension of participation in the program
- Repeat Program Phase

### GOAL:

- Obtain/Maintain Sobriety

## II. Failing or refusing to test

- Increased supervision
- Increased urinalysis
- Remand with a written assignment
- Increased court appearances (If in Phase II-IV)
- Incarceration (1 to 10 days on first; 1 week on second)
- Discharge from the program

### TREATMENT RESPONSE:

- Review treatment plan for appropriate treatment services
- Residential treatment for a specified period of time
- Extension of participation in the program
- Repeat Program Phase

**GOAL:**

- Obtain/Maintain Sobriety and Cooperation to comply with testing requirements

**III. Missing a court session without receiving prior approval for the absence**

- Community service
- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program

**GOAL:**

- Responsible Behavior and Time Management

**IV. Being late to court, particularly if consistently late with no prior approval from the Court or Case Manager**

- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program

**GOAL:**

- Responsible Behavior

**V. Failure to attend the required number of AA/NA meetings or support group meetings**

- Increased supervision
- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program
- Written Assignment

**TREATMENT RESPONSE:**

- Review treatment plan for appropriate treatment services
- Written assignment on the value of support groups in recovery.
- Additional individual sessions and/or group sessions

**GOAL:**

- Improved Treatment Outcome

## **VI. Failure to attend and complete the assigned treatment program**

- Increased supervision
- Community service
- Remand with a written assignment
- Extension of participation in the program
- Repeat Program Phase

### **TREATMENT RESPONSE:**

- One or more weeks set back in previous Phase for additional support
- Attend Life Skills Group
- Residential treatment for a specified period of time (consist occurrence)
- Additional individual sessions and/or group sessions

### **GOAL:**

- Improved Treatment Outcome

## **VII. Demonstrating a lack of response by failing to keep in contact and/or cooperate with the Case Manager or Counselor**

- Community service
- "Jury-box duty"
- Remand with a written assignment
- Extension of participation in the program
- Repeat Program Phase

### **TREATMENT RESPONSE:**

- Make up missed sessions
- Review treatment plan to ensure clients needs are being met
- Additional individual sessions and/or group sessions

### **GOAL:**

- Demonstrate respect and responsibility

## **VIII. Convicted of a new crime**

- Increased supervision
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program
- Repeat Program Phase
- Incarceration

- Discharge from the program

**TREATMENT RESPONSE:**

- Additional individual sessions and/or group sessions

**GOAL:**

- To promote a crime free lifestyle

**IX. Violence or threats of violence directed at any treatment staff or other clients**

- Discharge from the program

**X. Lack of motivation to seek employment or continue education**

- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program

**TREATMENT RESPONSE:**

- Additional individual sessions and/or group sessions

**GOALS:**

- Graduation and Job Preparedness

**XI. Refusing to terminate association with individuals who are using**

- Increased supervision
- Community service
- "Jury-box duty"
- Increased court appearances
- Extension of participation in the program
- Written Assignment

**TREATMENT RESPONSE:**

- Additional individual sessions and/or group sessions

**GOALS:**

- Develop a social network with clean and sober friends

## **XII. Failure to comply with court directives**

- Increased supervision
- Community service
- "Jury-box duty"
- Remand with a written assignment
- Increased court appearances
- Extension of participation in the program
- Repeat Program Phase
- Remand into custody all free time
- Written assignment

### **GOALS:**

- Develop a social network with clean and sober friends

## **XIII. Lack of motivation to seek safe housing**

- Increased supervision
- Community service
- Written assignment

## **XIV. Forging documentation required by the court for proof of compliance**

- Incarceration
- Discharge from the program

(If it appears to the prosecuting attorney, the court, or the probation department that the defendant if convicted of a misdemeanor that reflects the defendant's propensity for violence, or the defendant is convicted of a felony, or the defendant has engaged in criminal conduct rendering him or her unsuitable for participation in Drug Treatment Court, the prosecuting attorney, the court on its own, or the probation department may make a motion to terminate defendant's conditional release and participation in the Drug Treatment Court. After notice to the defendant, the court shall hold a hearing. If the court finds that the defendant has been convicted of a crime as indicated above, or that the defendant has engaged in criminal conduct rendering him or her unsuitable for continued participation in Drug Treatment Court, the court shall revoke the defendant's conditional release, and refer the case to the probation department for the preparation of a sentencing report.)

## REWARDS

If the participant complies with the program, achieves program goals and exhibits drug -free behavior, he/she will be rewarded and encouraged by the court through a series of incentives. Participants will be able to accrue up to 50 points to become eligible to receive a reward. After accruing 50 points, the participant will start over in point accrual until he/she reaches 50 points again. The points are awarded as follows:

<b>Achievement</b>	<b>Points Awarded</b>
• Step Walking (12 step)	3
• All required AA/NA Meetings Attended	1
• AA/NA Sheet turned in on time	1
• Attended all required treatment activities at the program	1
• Phase Change	5
• 3 Month Chip	2
• 6 Month Chip	4
• 9 Month Chip	6
• 1 year Chip	8
• Obtained a job (part time)	3
• Obtained a job (full time)	5
• Graduated from Vocational Training	5
• Obtained a GED	5
• Graduated from Junior College	5
• Obtained a Driver's License	4
• Bought a Car	4
• Obtained Safe Housing (Renting)	4
• Obtained Safe Housing (Buying)	5
• Taking Care of Health Needs	3
• Finding A Sponsor	3
• Helping to interpret	1
• Promotion/raise at work	3
• Obtaining MAP/Medi-Cal/Denti-Cal	3
• Parenting Certificate	2
• Judge's Discretion	1 to 5



Incentive items that are given to the participants (upon availability) include but are not limited to:

- Bus passes
- A donated bicycle that may be kept for the duration of time in Drug Court. After completion of drug court, the bicycle must be returned. (A terminated participant must return the bicycle forthwith.)
- Pencils, key chains: awarded for Phase changes
- Personal hygiene products
- Framing any certificate of completion from other programs, or certificates showing length of sobriety
- Haircuts
- Eye Wear
- Movie Passes
- Food Coupons



**APPENDIX D: LIST OF DATA ELEMENTS FOR  
PROGRAM SELF-MONITORING**



## NPC Data Elements Worksheet

### DRUG COURT PROGRAM DATA

	Variable/Data element	Where located/ who collects? (electronic/ written records?)	When agency began collecting or plans to begin?	Notes
	<b>DEMOGRAPHICS &amp; ID</b> (collect from all possible sources)			
1a	Name			
2	SSN, state ID, FBI ID, DL#, DC case number, state TX number			
2a	○ Birth Date			
2b	○ Gender			
2c	○ Race/Ethnicity			
	<b>CLIENT INFORMATION</b>			
2d	○ Employment status at drug court entry			
2e	○ Employment status at drug court exit			
2f	○ Highest grade of school completed at time of drug court entry			
2g	○ Number and ages of children			
2h	○ Housing status at entry			
2i	○ Housing status at exit			
2j	○ Income at entry (if self-supporting)			
2k	○ Income at exit (if self-supporting)			
2l	○ Other demographics			

	<b>Variable/Data element</b>	<b>Where located/ who collects? (electronic/ written records?)</b>	<b>When agency began collecting or plans to begin?</b>	<b>Notes</b>
	<b>DRUG COURT SPECIFIC DATA</b>			
3	Drug court entry date			
4	Drug court exit date			
5	Date of drug court eligible arrest			
5a	Charge for DC arrest			
5b	Arresting agency			
6	Court case number for case leading to drug court participation			
7	Date of referral to drug court program and referral source			
8	Drug court status on exit (e.g., graduated, revoked, terminated, dropped out)			
9	If participation in drug court is revoked or terminated, reason			
10	Dates of entry into each phase			
11	Criminal/Juvenile justice status on exit (e.g., on probation, charge expunged, etc.)			
12	Dates of UAs			
13	Dates of positive UAs			
14	Dates of other drug tests			

	<b>Variable/Data element</b>	<b>Where located/ who collects? (electronic/ written records?)</b>	<b>When agency began collecting or plans to begin?</b>	<b>Notes</b>
15	Dates of other positive drug tests			
15a	Agency provided test results			
16	Drugs of choice (primary and secondary)			
17	Dates of drug court sessions			
18	Attitude toward treatment/readiness to change at entry			
19	Dates of services received with types of service received (see examples below) [Note: If dates not available, at least need different types of services rec'd and approximate time periods or the # of times the individual received a particular service].			
19a	○ Group A&D sessions			
19b	○ Individual A&D sessions			
19c	○ Mental health services			
19e	Agency providing TX			
20	Mental health or A&D diagnoses			
21	Aftercare services (dates and types), if applicable			

	<b>Variable/Data element</b>	<b>Where located/ who collects? (electronic/ written records?)</b>	<b>When agency began collecting or plans to begin?</b>	<b>Notes</b>
22	Dates of re-arrests/re-referrals during program participation			
23	Charge(s)/allegation(s) associated with re-arrests/re-referrals during program participation			
24	Outcome(s) of re-arrests/re-referrals (conviction, dismissed, etc.) during program participation			
25	Other noncompliant behavior (types, dates) during program participation			
26	Probation violations during program participation			
27	Rewards and sanctions (dates, types, and duration)			
27a	Detention/jail time as a sanction			